

(iii) Whether petitioner acted in a timely manner in filing the petition for exemption.

(k) *Status of petition for rulemaking.* Within 120 days after publication in the FEDERAL REGISTER of a summary of petition for rulemaking and every 120 days thereafter, unless sooner denied under §11.51 or issued as a notice of proposed rulemaking under §11.65, the Office or Service concerned shall advise petitioner in writing of the status of the petition.

(l) *Additional specific provisions.* Specific provisions covering actions on petitions are set forth in Subpart C of this part.

[Amdt. 11-20, 44 FR 6901, Feb. 5, 1979]

#### **§ 11.28 Action on special conditions.**

(a) *General.* Except for the publication and comment procedures provided for in this section, no public hearing, argument, or other formal proceeding is held directly on a special condition established by the Administrator.

(b) *Procedures.* This subpart and Subpart C apply to the issue, amendment, and repeal of special conditions under Part 21. In addition to the information required by §11.29(b), each notice will include—

(1) The name and address of the applicant;

(2) The model designation and a summary description of the affected product;

(3) The applicable type design approval regulations designated in accordance with §21.17 or §21.101 of Part 21; and

(4) A summary description of the novel or unusual design features that make the issue or amendment of special conditions necessary.

[Amdt. 11-17, 45 FR 60170, Sept. 11, 1980]

#### **§ 11.29 Notice of proposed rulemaking.**

(a) Each general notice of proposed rulemaking is published in the FEDERAL REGISTER, unless all persons subject to it are named and are personally served with a copy of it.

(b) Each notice, whether published in the FEDERAL REGISTER or personally served, includes—

(1) A statement of the time, place, and nature of the proposed rulemaking proceeding;

(2) A reference to the authority under which it is issued;

(3) A description of the subjects and issues involved or the substance and terms of the proposed rule;

(4) A statement of the time within which written comments must be submitted and the required number of copies; and

(5) A statement of how and to what extent interested persons may participate in the proceedings, as prescribed by §§11.31 and 11.33.

(c) A petition for extension of the time for comments must be submitted in duplicate not later than two days before expiration of the time stated in the notice. The filing of the petition does not automatically extend the time for petitioner's comments. Such a petition is granted only if the petitioner shows a substantive interest in the proposed rule and good cause for the extension, and if the extension is consistent with the public interest. If an extension is granted it is published in the FEDERAL REGISTER.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11-1, 28 FR 2897, Mar. 23, 1963]

#### **§ 11.31 Participation of interested persons in rulemaking procedures.**

(a) Each interested person is entitled to participate in rulemaking proceedings by submitting written information, views, or arguments. In addition, he may comment on the original information, views, and arguments submitted by other persons, if, after receiving them, the Administrator considers it desirable.

(b) In any appropriate case, the Administrator also allows interested persons to participate in the rulemaking procedures described in §11.33.

#### **§ 11.33 Additional rulemaking proceedings.**

(a) The rulemaking procedure also includes any further procedural steps that best serve the purposes of a particular proceeding. For example, interested persons may be allowed to make oral arguments, participate in conferences between the Administrator or

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his representative and interested persons and organizations, appear at informal hearings presided over by a designated FAA official at which a stenographic transcript is made, or participate in any other procedure whenever it is desirable and appropriate to assure informed administrative action and adequate protection of private interests.

(b) Any appropriate combination of the procedures described in paragraph (a) of this section may be used in addition to the basic procedure of allowing interested persons to participate in rulemaking proceedings by submitting written information, views, or arguments.

### **§ 11.35 Participation by Civil Aeronautics Board in rulemaking proceedings.**

(a) Under section 1001 of the Federal Aviation Act of 1958 (49 U.S.C. 1481), the Civil Aeronautics Board may appear and participate as an interested party in any proceeding conducted by the Administrator under Title III of that Act, and in any proceeding under Title VI of that Act that cannot be appealed to the National Transportation Safety Board.

(b) To indicate its intention to participate in any proceeding described in paragraph (a) of this section, the Civil Aeronautics Board may file written information, views, or arguments in response to a notice of proposed rulemaking issued by the Administrator. The Civil Aeronautics Board is entitled to the procedural privileges accorded other parties and is equally free to participate.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967]

### **§ 11.37 Requests for informal appearances.**

(a) Upon his request, any interested person may appear informally before an appropriate official of the FAA to present, adjust, or determine a question or controversy relating to a rulemaking function of the FAA.

(b) A request for an appearance under this section must be sent in writing to the Federal Aviation Administration, Washington, D.C. 20590, or to the Re-

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gional or District Office nearest to the person making the request.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Doc. No. 8084, 32 FR 5769, Apr. 11, 1967; Amdt. 11–8, 32 FR 6390, Apr. 25, 1967]

## **Subpart C—Processing of Rules Other Than Airworthiness Directives and Airspace Assignment and Use**

### **§ 11.41 Scope.**

(a) This subpart prescribes the supplemental procedures to be followed by the Offices and Services of the FAA in rulemaking proceedings and in granting or denying exemptions from rules. It also designates the Office or Service that is authorized to act for the Administrator in connection with those proceedings and exemptions. Any authority conferred by this subpart on the head of any Office or Service is also conferred on the Associate Administrator (if any) who exercises executive direction over that official.

(b) This subpart applies to rulemaking procedures other than for Airworthiness Directives and rules relating to Airspace Assignment and Use.

(c) For the purposes of this subpart—

(1) The words “Office or Service” include the Technical Center, and include Regional Administrators with respect to petitions for exemptions from the requirements of Part 139 of this chapter; and

(2) “Chief Counsel” means—

(i) The Chief Counsel;

(ii) A Regional Counsel or the Assistant Chief Counsel, Europe, Africa, and Middle East Area Office with respect to petitions for exemptions from the requirements of Part 139 of this chapter;

(iii) The Assistant Chief Counsel for Regulations for all other exemptions processed under this subpart; or

(iv) Any person to whom the Chief Counsel has delegated authority in the matter concerned.

[Doc. No. 1242, 27 FR 9586, Sept. 28, 1962, as amended by Amdt. 11–5, 31 FR 11091, Aug. 20, 1966; Amdt. 11–16, 31 FR 13697, Oct. 25, 1966; Amdt. 11–12, 37 FR 19354, Sept. 20, 1972; Amdt. 11–15, 43 FR 52205, Nov. 9, 1978; Amdt. 11–32, 54 FR 39290, Sept. 25, 1989; Amdt. 11–42, 62 FR 46865, Sept. 4, 1997]